LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO

215 North D Street, Suite 204
San Bernardino, CA 92415-0490 • (909) 383-9900 • Fax (909) 383-9901
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: AUGUST 3, 2007

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #7: Consideration of Special Counsel for LAFCO 3084 – Hi-Desert Water District Expansion of Services Under Its Authorized Sewer Function to Include Collection, Treatment, Reclamation, and Disposal

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RECOMMENDATION:

That the Commission retain Jeffrey Goldfarb of Rutan and Tucker as Special Counsel for LAFCO 3084 -- Hi-Desert Water District Expansion of Services Under its Authorized Sewer Function to Include Collection, Treatment, Reclamation, and Disposal.

BACKGROUND:

LAFCO Legal Counsel Clark H. Alsop is a partner in the firm Best Best and Krieger (BB&K) which is Counsel for the Hi-Desert Water District. Pursuant to the Commission's policy related to Legal Counsel conflict (copy included as an attachment), the Executive Officer and Legal Counsel reviewed the application identified as LAFCO 3084 and were of the opinion that no controversy existed. Thereafter, the request for waiver of conflict was forwarded to all members of the Commission for a determination of their position on the request. During the review by members of the Commission, it was identified that opposition to the waiver was present; therefore, a waiver of conflict will not apply.

In accordance with adopted procedures, staff has contacted Jeffrey Goldfarb from Rutan and Tucker to represent the Commission as he has in previous circumstances. Mr. Goldfarb has indicated his willingness and ability to serve as Special Counsel.

The actions before the Commission are to note Mr. Alsop's disqualification on the application and to direct staff to retain Mr. Goldfarb for legal services as LAFCO Special Counsel. Pursuant to Commission policy, the Hi-Desert Water District will be required to pay the cost for Special Counsel representation and the District has been notified of this requirement.

/KRM

Attachments:
     Commission Policy #34 Waiver of LAFCO Legal Counsel Conflicts